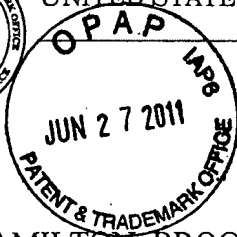


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In re Patent Number: 6,368,877

Issue Date: 04/09/2002

Application Number: 08/882,415

Filing or 371(c) Date: 06/25/1997

Attorney Docket Number: MIT-7762

NOTICE

This is in response to the letter concerning acceptance of a fee deficiency submission under 37 CFR 1.28 filed on April 28, 2011.

The letter is not properly signed.

The letter is signed on behalf of the assignee of an undivided interest in the entirety of the patent, as indicated on the Statement Under 37 CFR 3.73(b).

37 CFR 1.27(g)(2) states, in pertinent part, that:

Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b).

37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further, a review of Office assignment records suggests that the assignee on whose behalf the submission was filed, Massachusetts Institute of Technology, is not the sole assignee of this patent. Petitioner must clarify whether it is a proper party to sign the subject submission.

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Accordingly, it is recommended that patentees submit a properly signed request under 37 CFR 1.28(c).

The Office acknowledges receipt of payment of \$1,240.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via the EFS-Web system of the USPTO.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Attorney
Office of Petitions

cc: DANIEL O'BRIEN
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